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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/783,361	02/20/2004	Gary Brooks	400400	2419

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EXAMINER

KIM, SANG K

ART UNIT

PAPER NUMBER

3654

DATE MAILED: 09/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/783,361

Applicant(s)

BROOKS ET AL.

Examiner

SANG KIM

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>5/3/04</u> . | 6) <input type="checkbox"/> Other: ____. |

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 22-23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 22, fifth paragraph, the phrase, "the quantity of tape remaining on the current reel and/or the estimated time..etc.," is indefinite and vague. Examiner cannot determine whether the features stated above are inclusive together or exclusive in alternative form.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 5-7, 11-15, 18 and 22-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Schaupp, U.S. Patent No. 5252170.

With respect to claims 1, 3, 11 and 22-23, Schaupp '170 shows a method of using the apparatus, as shown in figures 1-2 and 12. An apparatus for splicing (10), a first supply reel (52), a second supply roll (62), a splicing unit (70) including a web path (no reference number), at least two rollers (26, 28) movable between an open position

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(not in contact with the web path) and a closed position (the rollers are in contact), and pressing the first and second webs together with the roller to cause the first and second webs to adhere together, see column 5, lines 1-60.

With respect to claims 12 and 15, as stated above, Schaupp '170 shows first and second dispensers (52, 62), and at least one reserve web retaining means (i.e., vacuum), for retaining a leading edge of a web from one of the first or second reels, see column 5, lines 63-65.

With respect to claims 2, 5-7, 13-14 and 18, as stated above, Schaupp '170 shows an automatic monitoring system (210) for monitoring the amount of web held on the reel, and the monitoring system is connected to a control unit (214) which can be controlled and linked to the apparatus, thus controlling the movement of the rollers, see figure 12.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4, 8 and 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schaupp, U.S. Patent No. 5252170.

With respect to claims 4 and 16, Schaupp '170 cuts the first web before the webs have been joined controlled by control means. However, Schaupp '170 recognizes that

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the cutter arm (72) can be operated by manually, see column 12, lines 44-46. Thus the apparatus can be operated to cut the web after or before the webs have been joined.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to reprogram the control means or manually operate the cutter to cut the web after the webs have been joined together to insure that the leading end of the web is attached to the expired web before splicing the web to provide a continuous unwinding or winding without having to shut down the apparatus.

With respect to claims 8 and 17, as stated above, Schaupp '170 shows an automatic monitoring system (210) for monitoring the amount of web held on the reel, and the monitoring system is connected to a control unit (214) which can be controlled and linked to the apparatus, thus controlling the movement of the rollers, see figure 12.

Claims 10 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schaupp, U.S. Patent No. 5252170, in view of Boriani et al., U.S. Patent No. 5177446.

Schaupp '170 shows sensors (211, 212) to monitor the rolls but does not explain in details how the rolls are measured.

Boriani '446 shows an arm (9a) having a metal target (8'), pivotally mounted to determine the amount of web remaining on the reel using an inductive sensor (7, 32), see figures 3-6, and see column 4, lines 12-23.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the sensor of Schuapp '170 with an inductive sensor as

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taught by Boriani '446, since many other sensors can be used to measure the amount of web remaining on the reel and not limited to one particular sensor.

Claims 9 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schaupp '170 in view of Boriani '446, and further in view of Meihofer, U.S. Patent No. 4021002.

As stated above, Schaupp '170 shows sensors (211, 212) to monitor the rolls but does not explain in details how the rolls are measured.

Boriani '446 shows an arm (9a) having a metal target (8'), pivotally mounted to determine the amount of web remaining on the reel using an inductive sensor (7, 32), see figures 3-6, and see column 4, lines 12-23.

Meihofer '002 explains other sensors can be used such as a potentiometer (not shown), see column 5, lines 10-12.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the sensor of Schuapp '170 in view of Boriani '446 with a potentiometer sensor as taught by Meihofer '002, since many other sensors can be used to measure the amount of web remaining on the reel and not limited to one particular sensor.

Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schaupp, U.S. Patent No. 5252170, in view of Meihofer, U.S. Patent No. 4021002.

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Schaupp '170 shows the monitoring unit and the control unit connecting to communicate with each other, see figure 12. A DC (direct current) output is old and well known in the art when using any electrical current to communicate with each unit.

Meihofer '002 shows the front panel control (24) producing a D.C. output, see column 4, lines 65-68.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to explain how the apparatus of Schuapp '170 communicates with each unit by using a D.C. output as explained by Meihofer '002 to calculate and communicate between the sensors and with respect to the reel.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure, such as Schenker et al., and Minarelli.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SANG KIM whose telephone number is 571-272-6947. The examiner can normally be reached Monday through Friday from 8:00 A.M. to 5:30 P.M. alternating Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki, can be reached on (571) 272-6951. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

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published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

SK

8/31/05

A handwritten signature in cursive script that reads "Kathy Matecki".

KATHY MATECKI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600